

LAMONT COUNTY
Bylaw Number 830.21
Non-Aggregate Soils Levy Bylaw

A Bylaw of Lamont County in the Province of Alberta to Authorize A Levy Pertaining to All Non-Aggregate Soils Businesses Operating in Lamont County.

WHEREAS, the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, gives municipalities the ability to pass bylaws respecting businesses, businesses activities and persons engaged in business within the municipality.

AND WHEREAS, the Council of Lamont County has determined that it is in the best interests of the residents of Lamont County that a Bylaw be passed pursuant to the *Municipal Government Act* to impose a levy pertaining to all non-aggregate soils' businesses operating in Lamont County;

NOW THEREFORE, the Council of Lamont County in the Province of Alberta duly assembled hereby enacts as follows:

I. PURPOSE AND TITLE

- 1.1. The purpose of this bylaw is to authorize the imposition of a Non-Aggregate Soils Payment Levy.
- 1.2. This bylaw shall be known as the "Non-Aggregate Soils Levy Bylaw".

II. DEFINITIONS

- 2.1. "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 and regulations made under the *Municipal Government Act* as amended.
- 2.2. "Administration" means the general operations of the Municipality, including all personnel, financial and other related resources, as permitted by the *Municipal Government Act* and any successor legislation.
- 2.3. "Applicant" means an applicant for a Development Permit.
- 2.4. "County" means the Municipal Corporation of Lamont County.
- 2.5. "Crown" means the Crown in the right of Alberta or Canada.
- 2.6. "Landowner" means the "owner" of a "parcel of land" as those terms are defined under Section 1 of the Act.
- 2.7. "Levy" means the Non-Aggregate Soils Payment Levy, as authorized by this Bylaw.
- 2.8. "Non-Aggregate Soils" means clay, topsoil, horizon 1 soils, peat moss, marl and products excluding sand and gravel.
- 2.9. "Operator" means a person engaged in extracting Non-Aggregate Soils for shipment.
- 2.10. "Pit" means a location where Non-Aggregate Soils can be, is or has been extracted from its naturally occurring location.
- 2.11. "Reeve" is the chief elected officer of the County as defined by the Act.

- 2.12. "Shipment" means a quantity of Non-Aggregate Soils hauled from the Pit from which it was extracted.

III. OPERATOR REPORTING REQUIREMENTS

- 3.1. All Operators shall have a valid development permit issued by Lamont County for the operation of an extraction operation of non-aggregate soils within Lamont County.
- 3.2. All Operators in the County shall report all Shipments of non-aggregate soils in tonnes from any Pit within the boundaries of the County on a quarterly basis. Reports shall be provided within fourteen (14) days of March 31, June 30, September 30 and December 31 in each calendar year, and shall contain the information prescribed in this bylaw.
- 3.3. The County shall record the non-aggregate soils shipped by each Operator for each quarter on a non-aggregate soils shipped tonnage roll based upon the report or reports filed by each operator pursuant to Section 3.1 of this Bylaw.
- 3.4. The County shall send out a levy notice under this Bylaw to each Operator setting out the amount of the levy payable by the operator based upon the non-aggregate soils shipped tonnage roll recorded by the County pursuant to Section 3.2 of this Bylaw. The levy notice shall be sent to the operators within thirty (30) days of March 31, June 30, September 30, and December 31, or fifteen (15) days of receipt of the operators' quarterly report, whichever is later.

IV. LEVY RATE AND PAYMENT AND COLLECTION OF LEVIES

- 4.1. The uniform Levy Rate for all shipments of non-aggregate soils from a pit within the County shall be **\$0.40** per tonne of non-aggregate soils and the amount of the levy for each quarter to be imposed upon an operator shall be determined by multiplying the number of tonnes of non-aggregate soils for each quarter, as shown on the non-aggregate soils shipped tonnage roll provided for in section 3.2 of this Bylaw, by the levy rate as specified by this Bylaw.
- 4.2. An amount owing to the County of the operator as shown of the levy notice sent to the operator pursuant to section 3.3 of this Bylaw shall be paid by the operator within thirty (30) days of the date of mailing of the levy notice.
- 4.3. An operator shall provide the County with written notice of a mailing address to which all notices under this Bylaw may be sent.

V. EXEMPTIONS FROM LEVY

- 5.1. No levy under this Bylaw shall be imposed by the County on the following shipments of Non-Aggregate Soils:
 - a. A shipment from a pit owned, leased or a product purchased from a commercial pit by the Crown for use on a project that is being undertaken by or on behalf of the Crown.

- b. A shipment from a pit owned, leased or a product purchased from a commercial pit by a municipality for a use on a project that is being undertaken by or on behalf of a municipality.
- c. A shipment which is required pursuant to a road haul agreement or a development agreement for the construction, repair or maintenance of a road or roads identified in the said agreement, that is necessary to provide access to the pit from which the non-aggregate soils is extracted.
- d. No levy may be imposed on shipments of non-aggregate soils that are subject to another tax, levy or payment that is established by and payable to the County.

VI. PENALTIES

- 6.1. Any operator or landowner who violates any provisions of this Bylaw, or who neglects to do so, or refrains from doing anything required to be done by the provisions of this Bylaw or fails to comply with any notice or direction given under this Bylaw, commits an offence.
 - a. A person who violates or contravenes the provisions of this Bylaw is guilty of an offence and is liable for a fine of up to \$5,000.00.
 - b. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a person guilty of such an offence is liable to a fine in the amount of up to \$5,000.00 for the first offence and up to \$1,000.00 for each subsequent offence.
 - c. A Bylaw Enforcement Officer may issue, with respect to an offence under this Bylaw, a violation ticket.
 - d. Where a violation ticket specifies a fine a voluntary payment equal to the specified fine amount may be made.

VII. APPLICATION

- 7.1. All operators and landowners shall comply with this Bylaw.
- 7.2. All operators shall provide the County and its agents with access to pertinent lands and all records necessary and beneficial to satisfy the County that the operator has complied with this Bylaw, including, but without limiting the generality of the foregoing:
 - a. All necessary information verifying the details contained in the non-aggregate soils shipped tonnage roll for the lands.
 - b. Tonnage of non-aggregate soils stockpiled on the lands or elsewhere.
 - c. Tonnage of non-aggregate soils removed from the lands.
 - d. Tonnage of non-aggregate soils removed from the lands for uses subject to the levy.

- e. Tonnage of non-aggregate soils removed from the lands for uses exempted from the levy.
 - f. Agreements between the operator and the landowner; and
 - g. Payments made by the operator to the landowner.
- 7.3. The landowner, if requested by the County, shall provide the County with access to any information that the landowner has in relation to the operator's operations, including the information referenced in Section 7.2.
- 7.4. Without limiting the generality of the foregoing, the access referred to in Section 7.2 shall include the ability of the County or its agents to audit the operations of the operator to ensure compliance with this Bylaw and impose the costs for the audit on the operator or landowner if it is found that the operator or landowner did not provide accurate or complete information including non-aggregate soil levels.
- 7.5. An operator shall report all shipments of non-aggregate soils as provided for in this Bylaw even though one or more of such shipments may be exempt under this Bylaw from the levy.
- 7.6. In addition to the requirements of this Bylaw, the operator shall ensure compliance with all provincial requirements with respect to non-aggregate soils extraction sites and reclamation.
- 7.7. Compliance with this Bylaw shall not be deemed to constitute compliance with federal or provincial environmental standards.

VIII. LIABILITY

- 8.1. At no time shall the County be in any way liable for any actions taken pursuant to this Bylaw, nor shall any costs be incurred by the County.
- 8.2. Despite compliance with this Bylaw, all non-aggregate soils mining and transportation activities must be carried out so as to create a minimum of dust, noise and environmental disturbance.

IX. EFFECTIVE DATE

- 9.1. Bylaw 830.21 is passed when it receives Third Reading and is signed by the Reeve and the CAO or designate, as per the *MGA*.

Read a first time this 18th day of March, 2021.

Read a second time this 18th day of March, 2021.

Read a third time this 18th day of March, 2021.


REEVE


CHIEF ADMINISTRATIVE OFFICER